

REMARKS

By this amendment, Applicants have amended claims 29, 31, 34, 54-55, and 57, canceled claims 35, 39, 53, and 56, without prejudice, and added claims 58-61. As a result, claims 29-34, 36-38, 40-52, 54-55, and 57-61 are pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

Initially, Applicants thank the Examiner for his time and courtesy in conducting a telephone interview with Applicants' undersigned attorney. During the interview, various features of amended claims 29 and 54 were discussed with respect to the prior art cited in the Final Office Action. The Examiner tentatively agreed that the proposed amendments distinguish the invention from the cited prior art, but indicated that a further search and consideration would be required. No exhibit was presented, and no demonstration was conducted.

In the Office Action, the Office rejects claim 56 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite in that it fails to point out what is included or excluded by the claim language. By this response, Applicants have canceled claim 56, without prejudice. As a result, Applicants respectfully submit that the rejection of claim 56 as allegedly being indefinite is now moot.

Furthermore, the Office rejects claims 29-36, 38, 43, 44, 47, 48, and 50-57 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,442,125 (Paulsen). In order to maintain a proper rejection under 35 U.S.C. § 102, the Office must show that a single reference discloses each feature of the claimed invention. In particular, the Office must show that "[t]he identical invention... [is] shown in as complete detail as is contained in the... claim" to maintain a rejection under 35 U.S.C. § 102. See, e.g., MPEP § 2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). To this extent, in order to anticipate the claimed inventions, the reference must "disclose[] within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim." *Net Money!N, Inc. v. VeriSign, Inc.*, No. 2007-1565, pp. 17-18 (Fed. Cir. 2008). Applicants respectfully submit that the Office fails to present such a showing.

For example, with respect to claim 29, Applicants respectfully submit that the Office fails, *inter alia*, to show that Paulsen discloses a device comprising a sensor, which is a proximity switch as in claim 29. In support of the rejection, the Office states that the "control processor 210 senses an output from the game processor 204" in Paulsen. Applicants respectfully submit that output from a game processor is unrelated to a proximity switch.

Additionally, Applicants respectfully submit that the Office fails to show that Paulsen discloses a transparent casing part subdivided into segments in an azimuth direction around an axis of the transparent casing part as in claim 29. In support of the rejection, the Office cites the stages 411, 412, and 413 of the candle in Paulsen.

However, Applicants note that the stages are located in a direction of an axis of the candle. In contrast, the segments of claim 29 subdivide the casing into segments in an azimuth direction around an axis of the casing.

Additionally, Applicants respectfully submit that the Office fails to show that Paulsen discloses a transparent casing part constructed for terminal fitting in a casing of a device such that light emitted by each of the lighting devices is visible to a user from any azimuth direction in a polar angle range between approximately 20° and approximately 180° as claimed therein. In contrast, the LEDs in each of the stages of Paulsen are arranged in a row along an axis of the candle. To this extent, light emitted by each of the LEDs is not visible from the top, e.g., a polar angle of approximately 180° as claimed therein.

As a result, Applicants respectfully request withdrawal of the rejections of claim 29, and claims 30-34, 36, 38, 43, 44, 47, 48, 50-52, and 57, which depend therefrom, as allegedly being anticipated by Paulsen.

With respect to claim 54, Applicants submit that the Office fails, *inter alia*, to show that Paulsen discloses a device that includes all the features claimed therein. For example, for reasons that should be clear from the discussion of Paulsen above, Applicants submit that Paulsen fails to disclose the device of claim 54, including a transparent casing part subdivided into segments in an azimuth direction around an axis of the transparent casing part as claimed therein. As a result, Applicants respectfully request withdrawal of the rejection of claim 54 as allegedly being anticipated by Paulsen.

With respect to claim 55, Applicants submit that the Office fails, *inter alia*, to show that Paulsen discloses a device that includes all the features claimed therein. For example, for reasons that should be clear from the discussion of Paulsen above, Applicants submit that Paulsen fails to disclose the device of claim 55, including a sensor, which is a proximity switch and a transparent casing part subdivided into segments in an azimuth direction around an axis of the transparent casing part as claimed therein. As a result, Applicants respectfully request withdrawal of the rejection of claim 55 as allegedly being anticipated by Paulsen.

Furthermore, the Office rejects claims 37, 39-42, 45 and 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Paulsen. Applicants note that the Office relies on its interpretation of Paulsen as allegedly teaching all the features of claim 29, from which these claims depend. To this extent, Applicants hereby incorporate the arguments presented above for claim 29. Additionally, Applicants respectfully submit that the various features of claims 37, 40-42, 45 and 46 for which the Office takes Official Notice are not common knowledge or well-known in the art. In particular, Applicants respectfully submit that the inclusion of such features in a device having a sensor and multiple different coloured lighting devices for indicating switching states of the sensor is not common knowledge or well-known. To this extent, Applicants again respectfully request that the Office provide documentary evidence to support each of these findings. Applicants direct the Office to MPEP § 2144.03(c), which states that, in response to a challenge of an Examiner's reliance on Official Notice, the Examiner "must support the finding with adequate evidence." As a result, Applicants request

withdrawal of the rejections of claims 37, 40-42, 45 and 46 as allegedly being unpatentable over Paulsen.

Furthermore, the Office rejects claim 49 under 35 U.S.C. §103(a) as allegedly being unpatentable over Paulsen in view of U.S. Patent No. 6,679,621 (West). Applicants note that the Office relies on its rejection of independent claim 29, from which claim 49 depends. To this extent, Applicants incorporate the arguments presented above with respect to claim 49. Additionally, Applicants submit that the proposed addition of West, even if, *arguendo*, proper, fails to address the deficiencies discussed above with respect to the rejection of claim 29. As a result, Applicants respectfully request withdrawal of these rejections.

Finally, the Office directs Applicants' attention to various references that the Office alleges read on the independent claims. Final Office Action, p. 13. Applicants respectfully submit that each of these references fails to cure one or more of the deficiencies described above with respect to Paulsen.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response

should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicants respectfully request withdrawal of all pending rejections of the claims. Should the Examiner require anything further to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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